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CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1948

No. 439-440

UNIVERSAL OIL PRODUCTS COMPANY,
Petitioner,

v.

ROOT REFINING COMPANY,
Defendant,

and

WILLIAM WHITMAN COMPANY, INC.,
Intervenor-Respondent.

MOTION AND PETITION TO DISPENSE WITH THE PRINTING OF THE RECORD REQUIRED UNDER RULE 38(1)(7) ON CONSIDERATION OF PETITION FOR WRITS OF CERTIORARI

RALPH S. HARRIS,
Attorney for Petitioner,
100 Broadway,
New York 5, New York.

JOHN R. MCCULLOUGH,
ADAM M. BYRD,
LEO L. LASKOFF,
H. ALLEN LOCHNER,
Of Counsel.

IN THE

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OCTOBER TERM, 1948

No.

UNIVERSAL OIL PRODUCTS COMPANY,
Petitioner,

v.

ROOT REFINING COMPANY,
Defendant,

and

WILLIAM WHITMAN COMPANY, INC.,
Intervenor-Respondent.

NOW comes Universal Oil Products Company, the petitioner herein, and on the annexed petition, verified the 30th day of November, 1948, and on the record in this matter on file with the Clerk of this Court, hereby moves this Court for an order dispensing with the printing of said record for the purpose of application to this Court for writs of *certiorari* to the United States Court of Appeals for the Third Circuit.

Dated: November 30, 1948.

Yours, etc.,

RALPH S. HARRIS,
Attorney for Petitioner.

IN THE

Supreme Court of the United States

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No.

UNIVERSAL OIL PRODUCTS COMPANY,
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ROOT REFINING COMPANY,
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WILLIAM WHITMAN COMPANY, INC.,
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PETITION TO DISPENSE WITH THE PRINTING OF THE RECORD REQUIRED UNDER RULE 38(1)(7) ON CONSIDERATION OF PETITION FOR WRITS OF CERTIORARI

To the Honorable, the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

The petition of Universal Oil Products Company respectfully shows:

Petitioner has, simultaneously with this petition, filed with this Court a petition for writs of *certiorari,* pursuant

to Title 28, United States Code, Section 1254(1), to review a judgment of the United States Court of Appeals for the Third Circuit, captioned "Root Refining Company, Defendant-Appellant, versus Universal Oil Products Company, Plaintiff-Appellee" and filed July 6, 1948, and to review certain orders or portions thereof entered by said court in the same matter on June 20, 1947, April 6, 1948, and October 27, 1948, respectively.

The opinion of the said Court of Appeals is reported in 169 F. 2d 514.

Prior to rendering the judgment of which review is now sought, the Court of Appeals for the Third Circuit heard the proceedings in the first instance and received evidence consisting of testimony of witnesses and documentary exhibits.

The transcript of the proceedings certified to this Court by the Clerk of the Court of Appeals for the Third Circuit is extremely voluminous, consisting of more than 2500 typewritten pages of testimony and over 300 exhibits, which, it is estimated, contain over 1000 pages of typewritten or printed material. To print the certified transcript of the record would be both burdensome and unduly expensive.

For the convenience of the Court, petitioner is submitting with its petition for writs of *certiorari* an appendix containing certain documents to which reference is made in its petition and brief.

WHEREFORE, petitioner prays for an order dispensing with the printing of the record in the above-entitled matter, as certified by the Clerk of the Court of Appeals for the

Third Circuit, on consideration of the petition for writs of *certiorari* filed by Universal Oil Products Company.

UNIVERSAL OIL PRODUCTS COMPANY,
Petitioner,

By: RALPH S. HARRIS,
Attorney for Petitioner.

JOHN R. McCULLOUGH,
ADAM M. BYRD,
LEO L. LASKOFF,
H. ALLEN LOCHNER,
Of Counsel.

Dated: November 30, 1948.

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

RALPH S. HARRIS, being duly sworn, deposes and says: that he is attorney for Universal Oil Products Company, the petitioner named in the foregoing petition; that he has read the foregoing petition and that the same is true to the best of his knowledge, information and belief.

(Signed) RALPH S. HARRIS

Sworn to before me this
30th day of November, 1948.

GEORGE W. HANCOCK
Notary Public in the State of New York
Residing in Nassau County
Nassau County Clerk's No. 1495
Certificates filed in
N. Y. Co. Clk's No. 889, Reg. No. 355-H-9
Kings Co. Clk's No. 78, Reg. No. 516-H-9
Term Expires March 30, 1949